

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1220**

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**Introduced by Assembly Member Skinner**

February 22, 2013

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An act to amend Section ~~54~~ 1785.15 of the Civil Code, relating to ~~civil rights~~ consumer credit.

LEGISLATIVE COUNSEL'S DIGEST

AB 1220, as amended, Skinner. ~~Unruh Civil Rights Act. Consumer credit reporting: files: inspections.~~

*Existing law requires a consumer credit reporting agency, upon request and proper identification of any consumer, to allow the consumer to visually inspect all files maintained regarding that consumer at the time of the request. Existing law additionally grants a consumer the right to request and receive a written copy of the file.*

*This bill would require, if a consumer requests a written copy of his or her file, that the consumer receive the same information that is provided to a user of a consumer credit report, unless otherwise specified.*

~~The Unruh Civil Rights Act generally prohibits business establishments from discriminating on the basis of sex, race, color, religion, ancestry, national origin, disability, or medical condition.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     **SECTION 1.** *Section 1785.15 of the Civil Code is amended to*  
2 *read:*

3     1785.15. (a) A consumer credit reporting agency shall supply  
4 files and information required under Section 1785.10 during normal  
5 business hours and on reasonable notice. *If a consumer requests*  
6 *a written copy of his or her file, the consumer shall receive the*  
7 *same information that is provided to a user of a consumer credit*  
8 *report unless the consumer specifies otherwise.* In addition to the  
9 disclosure provided by this chapter and any disclosures received  
10 by the consumer, the consumer has the right to request and receive  
11 all of the following:

12     (1) Either a decoded written version of the file or a written copy  
13 of the file, including all information in the file at the time of the  
14 request, with an explanation of any code used.

15     (2) A credit score for the consumer, the key factors, and the  
16 related information, as defined in and required by Section  
17 1785.15.1.

18     (3) A record of all inquiries, by recipient, that result in the  
19 provision of information concerning the consumer in connection  
20 with a credit transaction not initiated by the consumer and that  
21 were received by the consumer credit reporting agency in the  
22 12-month period immediately preceding the request for disclosure  
23 under this section.

24     (4) The recipients, including end users specified in Section  
25 1785.22, of any consumer credit report on the consumer which the  
26 consumer credit reporting agency has furnished:

27     (A) For employment purposes within the two-year period  
28 preceding the request.

29     (B) For any other purpose within the 12-month period preceding  
30 the request.

31     Identification for purposes of this paragraph shall include the  
32 name of the recipient or, if applicable, the fictitious business name  
33 under which the recipient does business disclosed in full. If  
34 requested by the consumer, the identification shall also include  
35 the address of the recipient.

36     (b) Files maintained on a consumer shall be disclosed promptly  
37 as follows:

1 (1) In person, at the location where the consumer credit reporting  
2 agency maintains the trained personnel required by subdivision  
3 (d), if he or she appears in person and furnishes proper  
4 identification.

5 (2) By mail, if the consumer makes a written request with proper  
6 identification for a copy of the file or a decoded written version  
7 of that file to be sent to the consumer at a specified address. A  
8 disclosure pursuant to this paragraph shall be deposited in the  
9 United States mail, postage prepaid, within five business days after  
10 the consumer's written request for the disclosure is received by  
11 the consumer credit reporting agency. Consumer credit reporting  
12 agencies complying with requests for mailings under this section  
13 shall not be liable for disclosures to third parties caused by  
14 mishandling of mail after the mailings leave the consumer credit  
15 reporting agencies.

16 (3) A summary of all information contained in files on a  
17 consumer and required to be provided by Section 1785.10 shall  
18 be provided by telephone, if the consumer has made a written  
19 request, with proper identification for telephone disclosure.

20 (4) Information in a consumer's file required to be provided in  
21 writing under this section may also be disclosed in another form  
22 if authorized by the consumer and if available from the consumer  
23 credit reporting agency. For this purpose, a consumer may request  
24 disclosure in person pursuant to Section 1785.10, by telephone  
25 upon disclosure of proper identification by the consumer, by  
26 electronic means if available from the consumer credit reporting  
27 agency, or by any other reasonable means that is available from  
28 the consumer credit reporting agency.

29 (c) "Proper identification," as used in subdivision (b) means  
30 that information generally deemed sufficient to identify a person.  
31 Only if the consumer is unable to reasonably identify himself or  
32 herself with the information described above may a consumer  
33 credit reporting agency require additional information concerning  
34 the consumer's employment and personal or family history in order  
35 to verify his or her identity.

36 (d) The consumer credit reporting agency shall provide trained  
37 personnel to explain to the consumer any information furnished  
38 him or her pursuant to Section 1785.10.

39 (e) The consumer shall be permitted to be accompanied by one  
40 other person of his or her choosing, who shall furnish reasonable

1 identification. A consumer credit reporting agency may require  
2 the consumer to furnish a written statement granting permission  
3 to the consumer credit reporting agency to discuss the consumer's  
4 file in that person's presence.

5 (f) Any written disclosure by a consumer credit reporting agency  
6 to any consumer pursuant to this section shall include a written  
7 summary of all rights the consumer has under this title and, in the  
8 case of a consumer credit reporting agency that compiles and  
9 maintains consumer credit reports on a nationwide basis, a toll-free  
10 telephone number that the consumer can use to communicate with  
11 the consumer credit reporting agency. The written summary of  
12 rights required under this subdivision is sufficient if in substantially  
13 the following form:

14 "You have a right to obtain a copy of your credit file from a  
15 consumer credit reporting agency. You may be charged a  
16 reasonable fee not exceeding eight dollars (\$8). There is no fee,  
17 however, if you have been turned down for credit, employment,  
18 insurance, or a rental dwelling because of information in your  
19 credit report within the preceding 60 days. The consumer credit  
20 reporting agency must provide someone to help you interpret the  
21 information in your credit file.

22 You have a right to dispute inaccurate information by contacting  
23 the consumer credit reporting agency directly. However, neither  
24 you nor any credit repair company or credit service organization  
25 has the right to have accurate, current, and verifiable information  
26 removed from your credit report. Under the Federal Fair Credit  
27 Reporting Act, the consumer credit reporting agency must remove  
28 accurate, negative information from your report only if it is over  
29 seven years old. Bankruptcy information can be reported for 10  
30 years.

31 If you have notified a consumer credit reporting agency in  
32 writing that you dispute the accuracy of information in your file,  
33 the consumer credit reporting agency must then, within 30 business  
34 days, reinvestigate and modify or remove inaccurate information.  
35 The consumer credit reporting agency may not charge a fee for  
36 this service. Any pertinent information and copies of all documents  
37 you have concerning an error should be given to the consumer  
38 credit reporting agency.

39 If reinvestigation does not resolve the dispute to your satisfaction,  
40 you may send a brief statement to the consumer credit reporting

1 agency to keep in your file, explaining why you think the record  
2 is inaccurate. The consumer credit reporting agency must include  
3 your statement about disputed information in a report it issues  
4 about you.

5 You have a right to receive a record of all inquiries relating to  
6 a credit transaction initiated in 12 months preceding your request.  
7 This record shall include the recipients of any consumer credit  
8 report.

9 You may request in writing that the information contained in  
10 your file not be provided to a third party for marketing purposes.

11 You have a right to place a “security alert” in your credit report,  
12 which will warn anyone who receives information in your credit  
13 report that your identity may have been used without your consent.  
14 Recipients of your credit report are required to take reasonable  
15 steps, including contacting you at the telephone number you may  
16 provide with your security alert, to verify your identity prior to  
17 lending money, extending credit, or completing the purchase, lease,  
18 or rental of goods or services. The security alert may prevent credit,  
19 loans, and services from being approved in your name without  
20 your consent. However, you should be aware that taking advantage  
21 of this right may delay or interfere with the timely approval of any  
22 subsequent request or application you make regarding a new loan,  
23 credit, mortgage, or cellular phone or other new account, including  
24 an extension of credit at point of sale. If you place a security alert  
25 on your credit report, you have a right to obtain a free copy of your  
26 credit report at the time the 90-day security alert period expires.  
27 A security alert may be requested by calling the following toll-free  
28 telephone number: (Insert applicable toll-free telephone number).  
29 California consumers also have the right to obtain a “security  
30 freeze.”

31 You have a right to place a “security freeze” on your credit  
32 report, which will prohibit a consumer credit reporting agency  
33 from releasing any information in your credit report without your  
34 express authorization. A security freeze must be requested in  
35 writing by mail. The security freeze is designed to prevent credit,  
36 loans, and services from being approved in your name without  
37 your consent. However, you should be aware that using a security  
38 freeze to take control over who gets access to the personal and  
39 financial information in your credit report may delay, interfere  
40 with, or prohibit the timely approval of any subsequent request or

1 application you make regarding a new loan, credit, mortgage, or  
2 cellular phone or other new account, including an extension of  
3 credit at point of sale. When you place a security freeze on your  
4 credit report, you will be provided a personal identification number  
5 or password to use if you choose to remove the freeze on your  
6 credit report or authorize the release of your credit report for a  
7 specific party or period of time after the freeze is in place. To  
8 provide that authorization you must contact the consumer credit  
9 reporting agency and provide all of the following:

- 10 (1) The personal identification number or password.
- 11 (2) Proper identification to verify your identity.
- 12 (3) The proper information regarding the third party who is to  
13 receive the credit report or the period of time for which the report  
14 shall be available to users of the credit report.

15 A consumer credit reporting agency must authorize the release  
16 of your credit report no later than three business days after  
17 receiving the above information.

18 A security freeze does not apply when you have an existing  
19 account and a copy of your report is requested by your existing  
20 creditor or its agents or affiliates for certain types of account  
21 review, collection, fraud control, or similar activities.

22 If you are actively seeking credit, you should understand that  
23 the procedures involved in lifting a security freeze may slow your  
24 application for credit. You should plan ahead and lift a freeze,  
25 either completely if you are shopping around, or specifically for  
26 a certain creditor, before applying for new credit.

27 A consumer credit reporting agency may not charge a fee to a  
28 consumer for placing or removing a security freeze if the consumer  
29 is a victim of identity theft and submits a copy of a valid police  
30 report or valid Department of Motor Vehicles investigative report.

31 A person 65 years of age or older with proper identification shall  
32 not be charged a fee for placing an initial security freeze, but may  
33 be charged a fee of no more than five dollars (\$5) for lifting,  
34 removing, or replacing a security freeze. All other consumers may  
35 be charged a fee of no more than ten dollars (\$10) for each of these  
36 steps.

37 You have a right to bring civil action against anyone, including  
38 a consumer credit reporting agency, who improperly obtains access  
39 to a file, knowingly or willfully misuses file data, or fails to correct  
40 inaccurate file data.

1 If you are a victim of identity theft and provide to a consumer  
2 credit reporting agency a copy of a valid police report or a valid  
3 investigative report made by a Department of Motor Vehicles  
4 investigator with peace officer status describing your  
5 circumstances, the following shall apply:

6 (1) You have a right to have any information you list on the  
7 report as allegedly fraudulent promptly blocked so that the  
8 information cannot be reported. The information will be unblocked  
9 only if (A) the information you provide is a material  
10 misrepresentation of the facts, (B) you agree that the information  
11 is blocked in error, or (C) you knowingly obtained possession of  
12 goods, services, or moneys as a result of the blocked transactions.  
13 If blocked information is unblocked, you will be promptly notified.

14 (2) You have a right to receive, free of charge and upon request,  
15 one copy of your credit report each month for up to 12 consecutive  
16 months.”

17 SECTION 1. Section 51 of the Civil Code is amended to read:

18 ~~51. (a) This section shall be known, and may be cited, as the~~  
19 ~~Unruh Civil Rights Act.~~

20 ~~(b) All persons within the jurisdiction of this state are free and~~  
21 ~~equal, and no matter what their sex, race, color, religion, ancestry,~~  
22 ~~national origin, disability, medical condition, genetic information,~~  
23 ~~marital status, or sexual orientation are entitled to the full and equal~~  
24 ~~accommodations, advantages, facilities, privileges, or services in~~  
25 ~~all business establishments of every kind whatsoever.~~

26 ~~(c) This section shall not be construed to confer any right or~~  
27 ~~privilege on a person that is conditioned or limited by law or that~~  
28 ~~is applicable alike to persons of every sex, color, race, religion,~~  
29 ~~ancestry, national origin, disability, medical condition, marital~~  
30 ~~status, or sexual orientation or to persons regardless of their genetic~~  
31 ~~information.~~

32 ~~(d) Nothing in this section shall be construed to require any~~  
33 ~~construction, alteration, repair, structural or otherwise, or~~  
34 ~~modification of any sort whatsoever, beyond that construction,~~  
35 ~~alteration, repair, or modification that is otherwise required by~~  
36 ~~other provisions of law, to any new or existing establishment,~~  
37 ~~facility, building, improvement, or any other structure, nor shall~~  
38 ~~anything in this section be construed to augment, restrict, or alter~~  
39 ~~in any way the authority of the State Architect to require~~

1 construction, alteration, repair, or modifications that the State  
2 Architect otherwise possesses pursuant to other laws.

3 (e) For purposes of this section:

4 (1) “Disability” means any mental or physical disability as  
5 defined in Sections 12926 and 12926.1 of the Government Code.

6 (2) (A) “Genetic information” means, with respect to any  
7 individual, information about any of the following:

8 (i) The individual’s genetic tests;

9 (ii) The genetic tests of family members of the individual;

10 (iii) The manifestation of a disease or disorder in family  
11 members of the individual.

12 (B) “Genetic information” includes any request for, or receipt  
13 of, genetic services, or participation in clinical research that  
14 includes genetic services, by an individual or any family member  
15 of the individual.

16 (C) “Genetic information” does not include information about  
17 the sex or age of any individual.

18 (3) “Medical condition” has the same meaning as defined in  
19 subdivision (i) of Section 12926 of the Government Code.

20 (4) “Religion” includes all aspects of religious belief,  
21 observance, and practice.

22 (5) “Sex” includes, but is not limited to, pregnancy, childbirth,  
23 or medical conditions related to pregnancy or childbirth. “Sex”  
24 also includes, but is not limited to, a person’s gender. “Gender”  
25 means sex, and includes a person’s gender identity and gender  
26 expression. “Gender expression” means a person’s gender-related  
27 appearance and behavior whether or not stereotypically associated  
28 with the person’s assigned sex at birth.

29 (6) “Sex, race, color, religion, ancestry, national origin,  
30 disability, medical condition, genetic information, marital status,  
31 or sexual orientation” includes a perception that the person has  
32 any particular characteristic or characteristics within the listed  
33 categories or that the person is associated with a person who has,  
34 or is perceived to have, any particular characteristic or  
35 characteristics within the listed categories.

36 (7) “Sexual orientation” has the same meaning as defined in  
37 subdivision (r) of Section 12926 of the Government Code.

38 (f) A violation of the right of any individual under the federal  
39 Americans with Disabilities Act of 1990 (P.L. 101-336) shall also  
40 constitute a violation of this section.

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